

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Dong Tack Suh
Application No. : 10/812,342
Filed : March 29, 2004
Title : PULL PIN ASSEMBLY FOR CANOPY

Grp./Div. : 3679
Examiner : Michael P. Ferguson

Docket No. : 51278/C1015

SECOND SUPPLEMENTAL DECLARATION FOR REISSUE APPLICATION

Commissioner for Patents
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September 23, 2008

Commissioner:

As President of Caravan Canopy International, Inc., the owner of U.S. Patent No. 6,575,656, on behalf of and as agent for the sole inventor Dong Tack Suh, I hereby declare based on information and belief that:

My mailing address is stated below my name. Dong Tack Suh's residence, post office address and citizenship are stated below next to his name. I believe Dong Tack Suh is the original, first and sole inventor of the subject matter which is described and claimed in patent number 6,575,656 B2, granted June 10, 2003, and for which a reissue patent is sought on the invention entitled PULL PIN ASSEMBLY FOR CANOPY, the specification of which

_____ is attached hereto.

 X was filed on March 29, 2004 filing date as reissue application number 10/812,342 and was amended on March 29, 2004 (Preliminary Amendment), January 23, 2006, September 14, 2006, and January 7, 2008.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below.

- 1) By reason of a defective specification; and
- 2) By reason of the patentee claiming less than he had a right to claim in the patent.

Application No. 10/812,342

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

The specification contains several sentences that inaccurately state: "biasing the pull pin toward the second position to relatively lock the first rod or pole" The drawings and other portions of the specification make clear that these sentences should state: "biasing the pull pin toward the first position to relatively lock the first rod or pole"

Claims 1 and 13 contain unintended claim language regarding: "biasing the pull pin toward the second position to relatively lock the first rod or pole" The intended language was: "biasing the pull pin toward the first position to relatively lock the first rod or pole"

This reissue is a broadening reissue. Claims 1 and 13 claim less than the patentee had a right to claim. New claims 15-38 were added to provide claims without one or more of the limitations of claims 1 or 13 including, for example, that the "pull pin body" is "integral with the main body" and "extending radially outward from the central hollow". Of the new claims 15-38, claims 15-16, 20-21, 24-31 and 34-37 are canceled. Claims 13 and 14 are also canceled. As such, claims 1-12, 17-19, 22-23, 32-33 and 38 are currently pending in the application.

The differences between the new independent claims and the patented claims are outlined below:

New independent claim 17 is the same as patented claim 13, with the addition of the last two lines of claim 17 ("wherein the main body comprises at least one resilient tab having a boss thereon extending into the central hollow to engage a second notch or hole of the first rod or pole") and with the term "second position" changed to "first position" in lines 27-28 of column 6 of the patent.

New independent claim 22 is the same as patented claim 1, except that the "second notch or hole" in patented claim 1 is the "third notch or hole" in new claim 22, and the "third hole" in patented claim 1 is the "second hole" in new claim 22. New claim 22 also omits the limitation that the resilient tab is "cut out from the main body," as stated in patented claim 1. New claim 22 recites a pull pin body "adjacent to" the main body rather than "integral with" the main body. New claim 22 omits the term "radially" in patented claim 1. New claim 22 recites a pull pin "disposed in the space of the pull pin body" rather than "slidably disposed in the space of the pull pin body." New claim 22 recites a first position "extending into the second hole" and a second position "not extending into the second hole," whereas patented claim 1 recites a first position "extending into the central hollow through the first hole" and a second position "outside of the central hollow." New claim 22 also states that the biasing member biases the pull pin toward the "first position" instead of the "second position," as stated in patented claim 1. New claim 22 also adds the limitation that "the main body is fixed against movement along the first rod or pole in the second position by a boss extending between the main body and the first rod or pole."

New independent claim 32 is the same as patented claim 13, except that new claim 32 recites a pull pin body "adjacent to" the main body rather than "integral with" the main

Application No. 10/812,342

body, and new claim 32 deletes the term "radially" in patented claim 13. New claim 32 also recites a pull pin "disposed in the space of the pull pin body" instead of "slidably disposed in the space of the pull pin body." New claim 32 defines a first position "extending into the second hole" and a second position "not extending into the second hole" whereas patented claim 13 defines a first position "extending into the central hollow through the first hole" and a second position "outside of the central hollow." New claim 32 omits the limitation that the pull pin plug "fit into the space of the pin body." New claim 32 also recites that the biasing member biases the pull pin toward the "first position" instead of the "second position." New claim 32 states that the circumferential stop is dimensioned "to prevent more than a predetermined length of the pull pin from extending into the central hollow in the first position", whereas patented claim 13 states that the circumferential stop is dimensioned "to prevent the pull pin from passing completely through the first hole in the second position." Finally, the last three "wherein" limitations in claim 32 are added and are not present in patented claim 13.

New independent claim 38 is the same as patented claim 13 except that new claim 38 includes a first rod or pole with "a second notch or hole, a third notch or hole and an end" and labels the "second hole" of patented claim 13 the "fourth hole." New claim 38 also adds additional limitations to the main body, starting with "the main body extending around the end of the first rod or pole" and continuing to the next semicolon. New claim 38 uses different language to modify how the pull pin body is "extending," and new claim 38 recites a surrounded area forming a ledge. New claim 38 uses different language to claim the "pull pin plug". New claim 38 recites a pull pin "extending through the central opening of the pull pin plug" rather than a pull pin "slidably disposed in the space of the pull pin body", as recited in patented claim 13. New claim 38 defines the first and second positions differently than patented claim 13. New claim 38 states that the biasing member biases the pull pin toward the "first position" rather than the "second position." The last "wherein" phrase in new claim 38 also differs from the last "wherein" phrase of patented claim 13.

New claims 17-19, 22, 23, 32, 33 and 38 are fully supported by the original application/patent. The following is a list that indicates where the support for various new claims are found in the original patent:

New claim 17 is supported, for example, by the Specification at column 3, line 11 - column 4, line 21 and by FIGS. 2-6. See also, original claim 13.

New claim 18 is supported, for example, by the Specification at column 2, lines 17 - 19 and by FIGS. 3 and 4.

New claim 19 is supported, for example, in the Specification at column 3, lines 58 - 64 and in FIGS. 3, 4 and 6.

Application No. 10/812,342

New claim 22 is supported, for example, by the Specification at column 1, lines 37 - 57 and column 2, lines 24 - 27 and column 3, lines 11 - 20 and 39 - 40 and by FIGS. 2, 3 and 6. See also, original claims 1 and 13.

New claims 23 and 33 are supported, for example, by the Specification at column 3, lines 11-25 and by FIGS. 2 and 6.

New claim 32 is supported, for example, by the Specification at column 1, lines 37 - 57 and 59 - 64 and column 2, lines 24 - 27 and column 3, lines 11 - 20, 39 - 40 and 61 - 64 and by FIGS. 2, 3 and 6. See also, original claims 1 and 13.

New claim 38 is supported, for example, by the Specification at column 1, lines 37 - 57 and 62 - 64 and column 2, lines 17 - 19 and 24 - 27 and column 3, lines 10 - 25, 39 - 51 and 61 - 64 and by FIGS. 2 - 4 and 6. See also, original claims 1 and 13.


All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

I hereby state that I have reviewed and understand the content of the above-identified application, including the specification, original claims 1-14, as well as the amendments made to the claims, specification and drawings with the Preliminary Amendment filed with the U.S. Patent and Trademark Office on March 29, 2004, as well as the amendments made to the claims with the Amendments filed January 3, 2006 and September 14, 2006 and January 7, 2008 as well as the amendment being filed currently herewith which shows claims 1, 2, 3, 5, 7, 9 and 10 as amended, canceled claims 13 and 14, and added new reissue claims 17-19, 22-23, 32-33 and 38.

Application No. 10/812,342

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application, any patent issued thereon, or any patent to which this declaration is directed.

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